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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,705	06/30/2000	Shinji Yoshimura	44243P	6865

2292 7590 07/10/2003

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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

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DATE MAILED:

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07(f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
 - (b) ☐ they raise the issue of new matter. (see NOTE below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

4. ☐ Applicant's reply has overcome the following rejection(s): _____
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached NOTE.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: None
- Claim(s) objected to: _____
- Claim(s) rejected: 1-6
- Claim(s) withdrawn from consideration: _____
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
11. ☒ Other: The filed Drawings are acceptable.

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1200-1700

Daniel Zinker

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NOTE

1. The Examiner notes for the record that it was claim 1, not claim 2 as was inadvertently stated by applicant, that was amended in accordance with the Examiner's earlier suggestion set forth in paragraph No. 2 of the final rejection.

2. Pursuant to applicant's earlier remarks which were commented on in paragraph No. 2 of the final rejection, the Examiner makes the observation that newly presented claims 5 and 6 also appear to be de facto duplicates, in addition to claims 1 and 4 in view of applicant's earlier remarks that since the recitation of the thickness of the flat ring body inherently defines the flexibility so that it is not necessary to recite that the ring body is made of a material which is flexible and readily deformable makes each of these two sets of claims to be duplicates.

3. With respect to applicant's remarks concerning JP -383, it is noted that the thickness range set forth in the first paragraph of page 3 of the enclosed English translation is only a preferred range, and it is further noted that the Examiner has relied upon an obviousness, not anticipation rejection. The Examiner makes the observation that the particular thickness chosen is simply a function of what are the desired end properties of the wound adhesive tape, and this parameter is believed to be well within the ordinary skill of the art.

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Additionally, applicant's remarks set forth on pages 4 and 5 of the response are believed to be only unsupported opinions, as are those set forth on pages 5 and 6 of the response concerning the presence of printed matter, the latter element of which the Examiner again firmly believes is well within the ordinary skill of the art.

4. With respect to applicant's remarks concerning JP -233, it is again noted that the thickness difference is believed to be well within the ordinary skill of the art, particularly in view of the absence of any factual evidence set forth on the record. In summary, the great majority of applicant's remarks are simply believed to be unsupported opinions which have not been proven on the record to define patentable subject matter. Additionally with respect to newly presented claims 5 and 6 which set forth a particular range of thicknesses for the sheet material, this is again believed to be a parameter that is well within the ordinary skill of the art, in the absence of unexpected results not heretofore shown on the record.

Dzirker:cdc

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July 1, 2003